

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GREEN WORLD COUNCIL BLUFFS, LLC, a Washington limited liability company, and MICHAEL KIM, an individual, Plaintiffs, v. 1SHARPE OPPORTUNITY INTERMEDIATE FUND, LP., a Cayman Island limited partnership, <i>et al.</i> , Defendants.	CASE NO. C20-1579-JCC MINUTE ORDER
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The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiff Michael Kim’s motion for reconsideration and clarification (Dkt. No. 34) of the Court’s order (Dkt. No. 31) denying his motion for an extension of time to respond to Defendants’ motion to dismiss. Having thoroughly considered the motion and the relevant record, the Court hereby DENIES the motion (Dkt. No. 34) but EXTENDS Mr. Kim’s deadline to respond to the motion to dismiss (Dkt. No. 11) to March 29, 2021 for the reasons explained herein.

On February 18, 2021, Defendants 1Sharpe Opportunity Intermediate Fund LP, 1Sharpe Opportunity Intermediate Trust, and Alex M. Johnson filed a motion to dismiss for lack of

1 personal jurisdiction, among other reasons, and noted the motion for March 19, 2021. (Dkt. No.
2 11.) Mr. Kim's deadline to file an opposition brief was March 15, 2021. *See* W.D. Wash. Local
3 Civ. R. 7(d)(3) (providing that any opposition papers to a motion to dismiss must be filed and
4 served not later than the Monday before the noting date). On March 3, Mr. Kim filed a motion
5 asking the Court to extend his deadline for filing an opposition brief until after the close of
6 discovery and depositions. (Dkt. No. 24.) He inaccurately represented that his request was
7 unopposed and noted it as a same-day motion. (*Id.*) On objection from Defendants, the Court
8 renoted Mr. Kim's motion for March 12, 2021. *See* W.D. Wash. Local Civ. R. 7(d)(2) (providing
9 that a motion for relief from a deadline may not be noted for consideration any earlier than the
10 second Friday after filing and service of the motion).

11 On March 12, the Court denied Mr. Kim's motion because he had not identified any
12 controverted facts relevant to jurisdictional issues or otherwise explained how discovery was
13 necessary for him to respond to the issues raised by Defendants' motion to dismiss. (Dkt. No. 31
14 at 2.) Mr. Kim did not file an opposition brief by his March 15th deadline, nor has he filed one to
15 date. He now asks the Court to reconsider its decision "and allow discovery and depositions to
16 take place before Plaintiff files his complete response to the motion to dismiss, or . . . clarify the
17 exact time for Plaintiff to file his response to [the] motion to dismiss." (Dkt. No. 34 at 16.)

18 As an initial matter, Mr. Kim's sixteen-page motion for reconsideration does not comply
19 with Local Civil Rule 7(e)(1), which limits a motion for reconsideration to six pages.¹ While Mr.
20 Kim is proceeding *pro se*, and the Court broadly construes his pleadings, he still must comply
21 with applicable court rules. *See Carter v. Comm'r of Internal Revenue*, 784 F.2d 1006, 1008 (9th
22 Cir. 1986) ("Although *pro se*, [plaintiff] is expected to abide by the rules of the court in which he
23 litigates."). The Court could decline to consider the motion for reconsideration or limit its review
24 to the first six pages, but in this instance, the Court exercises its discretion to accept an
25 overlength brief and has reviewed the entirety of Mr. Kim's arguments.

26 ¹ Inclusive of attachments, Mr. Kim's motion is 59 pages. (Dkt. No. 34.)

1 Under the Local Civil Rules, “[m]otions for reconsideration are disfavored.” W.D. Wash.
2 Local Civ. R. 7(h)(1). “The court will ordinarily deny such motions in the absence of a showing
3 of manifest error in the prior ruling or a showing of new facts or legal authority which could not
4 have been brought to its attention earlier with reasonable diligence.” *Id.* Mr. Kim has not met this
5 standard. Accordingly, the Court ORDERS:

- 6 1. The motion for reconsideration (Dkt. No. 34) is DENIED.
- 7 2. However, given Mr. Kim’s *pro se* status and the benefit of deciding motions with
8 briefing from opposing parties, the Court will *sua sponte* EXTEND Mr. Kim’s
9 deadline to file an opposition brief to the motion to dismiss (Dkt. No. 11). He may
10 file an opposition brief on or before March 29, 2021.
- 11 3. Defendants may file a supplemental reply brief on or before April 2, 2021.
- 12 4. The Clerk is DIRECTED to renote the motion to dismiss from March 19, 2021 to
13 April 2, 2021.
- 14 5. The Court advises Mr. Kim that absent exceptional and unforeseen circumstances, the
15 Court will not grant him any further extensions of time to respond to the motion to
16 dismiss. The Court ORDERS Mr. Kim to comply with the Federal Rules of Civil
17 Procedure and this Court’s Local Civil Rules going forward.

18 DATED this 19th day of March 2021.

19 William M. McCool
20 Clerk of Court

21 s/Paula McNabb
22 Deputy Clerk
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